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Agenda item 113

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Anzhela **Korneliouk** (Belarus)

I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on the item jointly with item 112, entitled "Elimination of racism and racial discrimination", at its 26th to 30th meetings, from 18 to 20 October 2000, and took action on item 113 at its 32nd, 37th, 41st and 47th meetings, on 24, 26 and 30 October and 6 November. An account of the Committee's discussion of the item is contained in the relevant summary records (A/C.3/55/SR.26-30, 32, 37, 41 and 47).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/55/176 and Add.1);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/55/334).

4. At the 26th meeting, on 18 October, introductory statements were made by the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and the Special Rapporteur on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/C.3/55/SR.26).

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5. At the same meeting, the Executive Coordinator for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance made a statement (see A/C.3/55/SR.26).

6. Also at the same meeting, the Committee engaged in a dialogue with the Special Rapporteurs and the Executive Coordinator, in which the representatives of the Libyan Arab Jamahiriya, France, Cuba, Iraq, Angola, Austria, Namibia and Kuwait took part (see A/C.3/55/SR.26).

II. Consideration of proposals

A. Draft resolution A/C.3/55/L.22

7. At the 32nd meeting, on 24 October, the representative of Pakistan, on behalf of Azerbaijan, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Chile, Costa Rica, Egypt, El Salvador, Eritrea, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Singapore, Thailand, Togo, the United Arab Emirates and Viet Nam, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/55/L.22). Subsequently, Armenia, Bahrain, the Comoros, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ethiopia, Kenya, Liberia, the Niger and Nigeria joined in sponsoring the draft resolution.

8. At the 37th meeting, on 26 October, the Committee adopted draft resolution A/C.3/55/L.22 without a vote (see para. 17, draft resolution I).

9. Before the adoption of the draft resolution, a statement was made by the representative of Argentina (see A/C.3/55/SR.37).

B. Draft resolution A/C.3/55/L.23

10. At the 32nd meeting, on 24 October, the representative of Cuba, on behalf of Algeria, Angola, Bolivia, China, Costa Rica, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Fiji, Guatemala, India, the Islamic Republic of Iran, Iraq, the Libyan Arab Jamahiriya, the Niger, Nigeria, the Russian Federation, the Sudan, Swaziland, Togo and Viet Nam, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/55/L.23). Subsequently, the Comoros, the Dominican Republic, El Salvador, Madagascar and Pakistan joined in sponsoring the draft resolution.

11. At its 37th meeting on 26 October, the Committee adopted draft resolution A/C.3/55/L.23 by a recorded vote of 92 to 16, with 33 abstentions (see para. 17, draft resolution II). The voting was as follows:[1]

[1] The delegation of Bulgaria subsequently indicated that it had intended to abstain and the delegation of the Philippines indicated that it had intended to vote in favour.

In favour:

Algeria, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Qatar, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Belgium, Canada, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Japan, Luxembourg, Netherlands, Norway, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Antigua and Barbuda, Australia, Austria, Croatia, Cyprus, Estonia, France, Georgia, Greece, Ireland, Italy, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Malta, Marshall Islands, Monaco, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

12. After the adoption of the draft resolution, a statement was made by the representative of France, on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia (see A/C.3/55/SR.37).

C. Draft resolution A/C.3/55/L.32

13. At the 41st meeting, on 30 October, the representative of Egypt, on behalf of Afghanistan, Algeria, Andorra, Austria, Bahrain, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chile, the Congo, Costa Rica, Cuba, Cyprus, the Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Egypt, Finland, France, the Gambia, Germany, Greece, Guinea, Indonesia, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Lebanon, Liberia, Liechtenstein, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Namibia, the Netherlands, the Niger, Nigeria, Norway, Oman, Pakistan, Panama, Portugal, Qatar, Saint Lucia, San Marino, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, the Sudan, Suriname, Swaziland, Sweden, Tunisia, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Viet Nam, Yemen, Zambia,

Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/55/L.32). Subsequently, Angola, Argentina, Eritrea, Ethiopia, Ghana, Guyana, Iceland, India, the former Yugoslav Republic of Macedonia and Turkey joined in sponsoring the draft resolution.

14. At its 47th meeting, on 6 November, the Committee adopted draft resolution A/C.3/55/L.32 by a recorded vote of 147 to 2, with 3 abstentions (see para. 17, draft resolution III). The voting was as follows:

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Canada, Marshall Islands, Tonga.

15. Before the adoption of the draft resolution, a statement in explanation of vote was made by the representative of Israel; after the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Australia and Canada (see A/C.3/55/SR.47).

16. Also at the 47th meeting, statements were made by the representatives of Australia, Canada, the Russian Federation and France (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, as well as Iceland and Liechtenstein), and by the observer for Palestine (see A/C.3/55/SR.47).

III. Recommendations of the Third Committee

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[2] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its fifty-sixth[3] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 54/155 of 17 December 1999,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[4]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

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[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[4] A/55/176 and Add.1.

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-sixth session under the item entitled "Right of peoples to self-determination".

Draft resolution II
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 54/151 of 17 December 1999, and taking note of Commission on Human Rights resolution 2000/3 of 7 April 2000,[5]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, and recalling further the relevant resolutions of the Security Council and the Organization of African Unity,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the non-use of force or of the threat of use of force in international relations and self-determination of peoples,

Reaffirming also that, by virtue of the principle of self-determination, as developed in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[6] all peoples have the right freely to determine, without external

[5] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.

[6] Resolution 2625 (XXV), annex.

interference, their political status and to pursue their economic, social and cultural development and every State has the duty to respect this right in accordance with the provisions of the Charter,

Recognizing that mercenary activities continue to increase in many parts of the world and take on new forms, permitting mercenaries to operate in a better organized way, with increased pay, and that their numbers have grown and more persons are prepared to become mercenaries,

Alarmed and concerned about the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States, and also elsewhere,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary aggression and criminal activities,

Convinced that it is necessary for Member States to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly on 4 December 1989,[7] and to develop and maintain international cooperation among States for the prevention, prosecution and punishment of mercenary activities,

Convinced also that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[8]

2. *Reaffirms* that the recruitment, use, financing and training of mercenaries are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take the necessary legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to destabilize or overthrow the Government of any State or threaten the territorial integrity and political unity of sovereign States, or to promote secession or to fight the national liberation movements struggling against colonial or other forms of alien domination or occupation;

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[7] Resolution 44/34, annex.

[8] A/55/334.

5. *Calls upon* all States that have not yet done so to consider signing or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[7]

6. *Welcomes* the cooperation extended by those countries that have received visits from the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;

7. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Invites* States to investigate the possibility of mercenary involvement whenever criminal acts of a terrorist nature occur;

9. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary assistance, both professional and financial;

10. *Recommends* that the Commission on Human Rights renew the mandate of the Special Rapporteur for a period of three years;

11. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority to be programmed in its immediate activities, to publicize the adverse effects of mercenary activities on the right to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

13. *Requests* the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, and, in this regard, strongly urges the United Nations High Commissioner for Human Rights to convene a workshop on the traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination before the fifty-seventh session of the Commission on Human Rights, so that a report on the outcome of the workshop may be presented to the Commission at its fifty-seventh session;

14. *Requests* the Special Rapporteur to report his findings on the use of mercenaries to undermine the right of peoples to self-determination, with specific recommendations, to the General Assembly at its fifty-sixth session;

15. *Decides* to consider at its fifty-sixth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in its Charter,

Recalling the International Covenants on Human Rights,[9] the Universal Declaration of Human Rights,[10] the Declaration on the Granting of Independence to Colonial Countries and Peoples[11] and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[12]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[13]

Recalling further the United Nations Millennium Declaration,[14]

Expressing hope for an immediate resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including their right to a State;

2. *Expresses the hope* that the Palestinian people will soon be exercising their right to self-determination, which is not subject to any veto, in the current peace process;

3. *Urges* all States and the specialized agencies and the organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

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[9] Resolution 2200 A (XXI), annex.
[10] Resolution 217 A (III).
[11] Resolution 1514 (XV).
[12] A/CONF.157/24 (Part I), chap. III.
[13] See resolution 50/6.
[14] Resolution 55/2.